

# COUNTY OF SUFFOLK



**Steve Bellone**

SUFFOLK COUNTY EXECUTIVE

Natalie Wright  
Commissioner

Department of Economic Development and Planning  
Division of Planning and Environment

## STAFF REPORT

### SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

**Applicant:** Kenneth J. Cartalemi, LLC  
**Municipality:** Town of Brookhaven  
**Location:** s/w corner NYS Rte. 25 (Sunrise Highway) and Barns Road

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**Received:** 4/23/2020  
**File Number:** BR-20-04  
**T.P.I.N.:** 0200 75000 0700 001001  
**Jurisdiction:** Town of Brookhaven

#### ZOING DATA

- Zoning Classification
- Minimum Lot Area (Sq Ft): 200000
- Section 278: NA
- Obtained Variance: NA

#### SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: Yes
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: No
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: Yes
  - File:
  - Date:
  - Map Yield: NA
- SEQRA Information: Yes
- SEQRA Type: Unlisted
- Minority or Economic Distressed: No

#### SITE DESCRIPTION

- Present Land Use: Agriculture
- Existing Structures: Light Industrial - agricultural
- General Character of Site: Sloping south -southwest
- Range of Elevation within Site: 20 - 25 feet amsl
- Cover: Buildings, compacted soils, near wetland vegetation
- Soil Types: Carver, Riverhead, Atsian
- Range of Slopes (Soils Map): 0- 15%
- Waterbodies of Wetlands: Swift Stream

## **NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST**

- Type: Site plan special exception
- Layout: grid
- Area of Tract (Acres): 9.1
- Yield Map: NA
  - No. of Lots: 1
  - Lot Area Range (Sq. Ft.):
- Open Space (Acres): 0

## **ACCESS**

- Roads: Barns Road - public
- Driveways: private

## **ENVIRONMENTAL INFORMATION**

- Stormwater Drainage
  - Design System: catch basins - leaching pools
  - Recharge Basins: no - bio swales
- Groundwater Management Zone: VI
- Water Supply: public
- Sanitary Sewers: on-site septic

## **PROPOSAL DETAILS**

### **OVERVIEW**

Applicants seek Town of Brookhaven Planning Board site plan and special exception approval for the construction of seven mini-storage buildings on 9.1 acres of land in the hamlet of Moriches. The total square footage of the project is 89,680 sq. ft. Also included is 20,400 sq. ft. of outdoor storage space. Prior to development of the proposed mini-storage facility the demolition of 46,991 sq. ft. of existing agricultural buildings is to be carried out. Following demolition, beginning with the sales office and two ministorage buildings, the proposed development action is to be carried out in three phases. Bio-swales are proposed to be constructed for drainages purposes and a 1.7 acre conservation easement along Swift Stream is proposed.

A total of 61 off street parking stalls are required by Town of Brookhaven Zoning Law and as many (64) are provided.

Sanitary waste generated by the proposed action is intended to be collected and treated via an on-site sanitary system. It is noted in the submittal materials to the Suffolk County Planning Commission that the applicant is proposing to install an Individual Alternative Onsite Wastewater Treatment System (I/AOWTS).

The subject parcel is located at the south west corner of the Sunrise Highway (NYS Rte. 27) and Barns Road (Town Road) in the hamlet of Moriches.

Access to the site as depicted on the site plan, is provided via Barns Road at the north east end of the development property. At the south end of the proposed development site is an additional proposed (alternate/emergency) access to Barns Road. No direct access to Sunrise Highway (NYS Rte. 27) is proposed from the subject property.

A review of the character of the land use and zoning pattern in the vicinity reveals that the subject property is zoned light industrial in an area otherwise zoned residential. Predominant land uses in the area are agriculture open space and residential. Several single family homes are located as out parcels adjacent to the subject property on the east and further on the opposite site of Barns Road.

The subject property is situated in Hydro-geologic Ground Water Management Zone VI pursuant to Article 6 of the Suffolk County Sanitary Code. The site is located in a NYS Critical Environmental Area (Coastal Zone Area South Town of Brookhaven). The site is not located in a NYS Special Groundwater Protection Area (SGPA). The subject site is not located in a Pine Barrens zone of Suffolk County. Federal, State and local mapped and regulated wetlands occur on the subject property (Swift Stream). The subject development site is located in the Subwatershed Wastewater Plan Surface Water Priority Area 1 with a travel time of 0-2 years.

Referral material to the Suffolk County Planning Commission from the Brookhaven Town Planning Board indicate that the developed mini-storage would employ considerations for “dark sky” lighting.

## **STAFF ANALYSIS**

New York State General Municipal Law, Section 239-I provides for the Suffolk County Planning Commission to consider inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

It is the belief of the staff that the proposed site plan is compatible with the land uses adjacent and in the immediate vicinity of the subject development.

**LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:** The 1995 Moriches Four-Hamlet comprehensive plan makes no specific recommendation for the subject property. The 1996 Town of Brookhaven Comprehensive Land Use Plan designates the subject site as “Planned Development”.

It is the belief of the staff that the proposal is consistent with recommendation of the 1996 the Comprehensive Plan. The designation of planned development is likely due to the existing (at the time) and prior use of the subject property as agriculture related to duck farming. Issues related to the legacy of duck farming on site and the property being situate next to Swift Stream would make straight forward residential zoning problematic and the “planned development” aspect of the project would allow for flexibility of design. The proposed mini-storage facility reduces many of the problematic issues associated with residential development on site.

For similar reasons, in a referral to the Suffolk County Planning Commission from the Brookhaven Town Board for a change of zone from residential zoning to light industrial was returned for Local Determination by staff in August of 2017.

## **SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:**

The Suffolk County Planning Commissions has identified six general Critical County Wide Priorities and include:

1. Environmental Protection
2. Energy efficiency
3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation and
6. Public Safety

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012).

Below are items for consideration regarding the Commission policies:

The subject application is brought to the Suffolk County Planning Commission as regionally significant due to being a development project of approximately 80,000 Sq. Ft. and adjacent to a water body (SCPC Guidebook section 1.3. J.).

Issues related to the subject application may stem from flooding and or land surges from severe storms (being located in a flood plain). Secondly issues related to legacy contaminants (if any) from prior agricultural activities related to duck farming are of concern.

A review of Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) reveal that the subject site is not entirely in the "A" flood zone and the existing site and future development site is not in danger of flooding due to storm events and significant amounts of drainage entering Swift Creek. Moreover, a review of Sea, Lake, and Overland Surges from Hurricanes (SLOSH) information from the National Hurricane Center shows that very little of the property would be effected by a storm surge from Swift Creek.

It is not apparent in the referral material to the Suffolk County Planning Commission from the Town of Brookhaven if the subject development proposal has provided to the Town Planning Board an Environmental Site Assessment (ESA). Potential hazardous conditions from prior or existing operations would be determined in a Phase I and/or Phase II ESA. Floor drains, stockpiled debris, automobile storage areas and legacy duck waste (sludge) in soils are potential locations for concern. Moreover, building conditions may include asbestos, lead paint or other hazardous materials that should be removed properly prior to demolition and recycling.

No direct access to Sunrise Highway (NYS Rte. 27) is proposed from the subject property. Recently the New York State Department of Transportation has halted a proposed project to add an exit between William Floyd Parkway and Moriches-Middle Island Road to service Barns Road with a south service road passing the subject property. It is noted in a Long Island Advance article on May 21 2020 that "local civic groups were vocal about their opposition, calling on the state to stop the project so as to not disturb an environmentally sensitive area (sub-watershed/headwaters of Forge River).

It is not evident in the referral to the Suffolk County Planning Commission if the applicants have reviewed the Commission's guidelines on energy efficiency. It is anticipated all mini-storage units would be constructed to Energy Star Standards in accordance with Town of Brookhaven Code requirements. It is the belief of the staff that the publication should be reviewed and additional efficiency measures incorporated where practical. Mini-storage structure should be constructed to accommodate Roof top solar if practical.

There is no information in the referral material regarding this application that the project sponsors have investigated issues related to public safety and universal design It is the belief of staff that the applicant should be directed to consult the Suffolk County Planning Commission guidelines on public safety and the model code on Universal Design and incorporate any practical measures into the design plan.

## **STAFF RECOMMENDATION**

Approval subject to the following comments:

1. The applicant should be directed to contact and begin dialogue with the Suffolk County Department of Health Services as early as possible to discuss appropriate I/A OWTS.

2. The most landward limit of freshwater wetland vegetation should be re-flagged in the field (approximately every two years) by a qualified expert, verified by the appropriate regulatory agency and depicted on all sketches, plans and maps for the subject development. All appropriate setbacks should be taken from the verified wetland line.

3. The Suffolk County Planning Commission's publications Managing Stormwater - Natural Vegetation and Green Methodologies should be reviewed and additional stormwater mitigations incorporated where practical. It is noted that a conservation easement and open space area along Swift Stream is proposed. Review of this document should be applied to landscaping and restoration conducted on site.

4. Prior and existing land uses on site create some concern about any hazardous materials on the subject parcel. A Phase I Environmental Site Audit, containing an analysis of asbestos containing material in buildings, debris piles, soils or other environmental conditions of concern, is appropriate for the subject parcel. The ESA should be made part of the application review record.

5. With regard to demolition of the 46,991 sq. ft. of existing agricultural buildings to be carried out. Any on site recycling of demolition materials should be conducted at the farthest point from any sensitive residential receptors to reduce the issues related to noise and dust from recycling operations.

6. It is not evident in the referral to the Suffolk County Planning Commission if the applicants have reviewed the Commission's guidelines on energy efficiency. It is anticipated all mini-storage units would be constructed to Energy Star Standards in accordance with Town of Brookhaven Code requirements. The applicant should review the Commission standards on energy efficiency for further informational purposes.

7. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.

8. The applicant should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.





